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## Spa City complex must keep all 64 units air-conditioned

Spa City renters' suit goes on by [David Showers](#) | August 11, 2023 at 3:29 a.m.



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HOT SPRINGS -- An agreement reached Thursday in the lawsuit Greenbriar Apartment tenants filed last week prohibits ownership from removing air conditioning from any of the federally subsidized complex's 64 units, an attorney for the plaintiffs said.

The temporary order prohibiting the removal of air conditioners that Division 1 Circuit Judge Ralph Ohm entered Aug. 1 was limited to the four tenants named as plaintiffs, said Jonathan Green, one of the Center for Arkansas Legal Services attorneys who is representing the tenants.

Green said the agreed order Ohm signed Thursday applies to the entire complex, where tenants have been told their air conditioning would be removed if they opted out of a monthly surcharge. Several tenants have said they can't afford the fee, \$25 a month for a small unit and \$130 for a large one, on their fixed incomes.

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"Originally, we only had standing to request that the court prohibit the removal of only the named litigant tenants' air conditioners," Green said. "However, because we secured agreement to a broader order, Greenbriar is prohibited from removing air conditioners across the entirety of the complex, regardless if a tenant is a litigant or not."

The order canceled the hearing scheduled Monday on the tenants' motion to permanently enjoin ownership from removing the four tenants' air conditioners. Green said it will remain in effect for the duration of the lawsuit alleging breach of contract, fraud and discrimination against the partnership that acquired the complex last year and its general partner, Michael Cotroneo.

"The parties recognize that the south-central area of the state of Arkansas is undergoing an unprecedented heat wave," the order stated. "The parties recognize the importance of adequate air conditioning for certain tenants with predisposed medical conditions during this unprecedented heat wave."

"As such, no air conditioning units will be removed from the units in the property unless via request from a tenant occupying a unit within the premises or otherwise ordered by the court."

Cotroneo informed tenants in December of the monthly air conditioning surcharge they would begin being assessed this winter. Assessing it year-round would "even out the costs" and avoid having to remove the units in the winter months, according to emails Cotroneo sent the U.S. Department of Housing and Urban Development's Section 8 contractor that The Sentinel-Record obtained through a records request.

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Cotroneo has noted the property's project-based Housing Assistance Payment contract doesn't require air conditioning to be included in the subsidized rents tenants pay. Because the contract requires the owner to pay for utilities, Cotroneo "needed to find other ways to generate revenue" and air conditioning was the "lowest-hanging fruit," he said in emails to Hot Springs city officials the city provided in response to a records request.

The lawsuit tenants filed last week alleges ownership committed fraud by falsely claiming authority to charge for air conditioning, arguing the tenants' lease contains no such provision and claiming ownership has failed to meet minimum standards federal law requires for HUD subsidized properties.

*Print Headline: Complex must keep all 64 units air-conditioned*

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